

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CRIMINAL NO. 2:07CR15**

**UNITED STATES OF AMERICA**

**VS.**

**JACK VINSON**  
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**ORDER**

**THIS MATTER** is before the Court on the Defendant's motion to stay this action pending his appeal in *Vinson v. United States*, Civil Case No. 2:07cv10. The motion is denied.

The Defendant states that he has filed an appeal from the dismissal of his motion pursuant to 28 U.S.C. § 2255 in Civil Case No. 2:07cv10 and, therefore, the criminal prosecution in this matter should be stayed pending the outcome of that appeal. An appeal may not be taken to a court of appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a circuit justice or judge issues a certificate of appealability. **28 U.S.C. § 2253(c)(1)(B); *Reid v. Angelone*, 369 F.3d 363, 369** (“We note initially that the purpose of the COA requirement is to enable the courts of

**appeals to winnow out frivolous appeals in habeas cases.”)** . No such certificate has been issued.

In any event, the undersigned would not stay the prosecution of this criminal case pending the appeal of the civil case.

**IT IS, THEREFORE, ORDERED** that the Petitioner’s motion is hereby **DENIED**.

Signed: June 13, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

